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BANGALORE, MONDAY, JANUARY 22, 1951

PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 3120—Legis. 80-50-1, Bangalore, dated 18th—22nd January 1951.

Ordered that the accompanying Code of Civil Procedure (Amendment) Act, 1951, which received the assent of the President, on the 7th day of January 1951, be published as Mysore Act No. I of 1951, in the *Mysore Gazette* for general information.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1951.

(Received the assent of the President on the 7th day of January, 1951.)

An Act further to amend the Code of Civil Procedure, 1911.

Preamble.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1911, (Mysore Act III of 1911), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1951.

(2) It shall come into force at once.

Substitution of new sections 43 and 44 in Mysore Act III of 1911.

2. For sections 43 and 44 of the Code of Civil Procedure, 1911, (hereinafter referred to as the said Code), the following sections and Explanation shall be substituted, namely,—

Execution of decrees passed by Civil Courts in Part A States, Part B States and Part C States.

"**43.** Any decree passed—

(*a*) by a Civil Court in a Part A State, or a Part B State, other than the State of Mysore, or a Part C State, or

(*b*) by a Civil Court in any area within a Part A State, or Part B State or Part C State, to which the provisions relating to execution do not extend, or

(*c*) by a Court established or continued by the authority of the Central Government outside India,

may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court in the State of Mysore.

Execution of decrees passed by Revenue Courts in Part A States, Part B States or Part C States.

44. The State Government may, by notification in the *Mysore Gazette*, declare that the decrees of any Revenue Courts in any Part A State, or Part B State, other than the State of Mysore, or Part C State or any class of such decrees may be executed in the State of Mysore, as if they had been passed by Courts in the State of Mysore.

Explanation.—In sections 43 and 44, "Part A State" shall mean a State for the time being specified in Part A of the First Schedule to the Constitution of India, "Part B State" shall mean a State for the time being specified in Part B of that Schedule and "Part C State" shall mean a State for the time being specified in Part C of that Schedule, or a territory for the time being administered by the President under the provisions of Article 243 of the Constitution of India."

Insertion of new sections 109, 110 and 111 in Mysore Act III of 1911.

3. After section 108 of the said Code, the following sections shall be inserted, namely :—

"*Appeals to the Supreme Court.*

When appeal lie to the Supreme Court.

109. Subject to the provisions in Chapter IV of Part V of the Constitution of India and such Rules as may, from time to time, be made by the Supreme Court of India regarding appeals from High Courts in the territory of India and to the provisions hereinafter contained, an appeal shall lie to the Supreme Court :—

(*a*) from any judgment, decree or final order passed on appeal by the High Court ;

(*b*) from any judgment, decree or final order passed by the High Court in the exercise of original civil jurisdiction ; and

(*c*) from any judgment, decree or order, when the case, as hereinafter provided, is certified to be a fit one for appeal to the Supreme Court;

Value of subject-matter.

110. In each of the cases mentioned in clauses (*a*) and (*b*) of section 109, the amount or value of the subject-matter of the suit in the Court of first instance and still in dispute on appeal must have been twenty thousand rupees or upwards, and the amount or value of the subject-matter in dispute on appeal to the Supreme Court must be the same sum or upwards ;

or the judgment, decree or final order must involve, directly or indirectly, some claim or question to or respecting property of like amount or value ;

and where the judgment, decree or final order appealed from affirms the decision of the Court immediately below the Court passing such judgment, decree or

final order, the appeal must involve some substantial question of law.

Savings.

111. (1) Nothing contained in this Code shall be deemed—

(*a*) to affect the powers of the Supreme Court under Article 136 or any other provision of the Constitution, or

(*b*) to interfere with any Rules made by the Supreme Court, and for the time being in force, for the presentation of appeals to that Court or their conduct before that Court.

(2) Nothing herein contained applies to any matter of criminal jurisdiction."

Amendment of the First Schedule to Mysore Act IV of 1911.

4. In the First Schedule to the Mysore Limitation Act, 1911, after article 178 A, the following article shall be inserted, namely:—

"

Description of application	Period of limitation	Time from which period begins to run
1	2	3
179. By a person desiring to appeal under the Code of Civil Procedure, 1911, to the Supreme Court for leave to appeal.	Ninety days	The date of the decree appealed from.

"

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

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